

APPEAL NO. 031002  
FILED MAY 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 26, 2003. The hearing officer determined that the claimant reached maximum medical improvement (MMI) on November 16, 1999, with an 18% impairment rating (IR). The claimant appeals this decision. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_; that on December 8, 1999, the treating doctor certified that the claimant reached MMI on November 16, 1999, with an 18% IR; that the first quarter of supplemental income benefits (SIBs) ended on February 27, 2001; and that the claimant disputed the aforementioned MMI/IR certification on November 18, 2002. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(g) (Rule 130.102(g)) provides that if there is no pending dispute regarding the date of MMI or the IR prior to the expiration of the first SIBs quarter, the date of MMI and the IR shall be final and binding. See Texas Workers' Compensation Commission Appeal No. 022406, decided November 7, 2002. The claimant argues that Rule 130.102(g) "is void as exceeding the authority of the [Texas Workers' Compensation Commission (Commission)]." In support of this argument, the claimant relies on Fulton v. Associated Indemnity Corporation, 46 S.W.3d 364 (Tex. App.-Austin 2001, pet. denied), wherein Rule 130.5(e) was considered and determined to be invalid. However, the applicable rule in this case, Rule 130.102(g), was not considered in Fulton and is presumed to be valid. The Appeals Panel has previously held that it does not have the authority to decide the validity of Commission rules, that administrative rules are presumed to be valid, and that the courts are the proper forums for deciding the validity of agency rules. Texas Workers' Compensation Commission Appeal No. 010160, decided March 8, 2001. We conclude that the hearing officer's decision that the claimant reached MMI on November 16, 1999, with an 18% IR is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The true corporate name of the insurance carrier is **EMPLOYERS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**HOWARD ORLA DUGGER  
1702 NORTH COLLINS BOULEVARD, SUITE 200  
RICHARDSON, TEXAS 75080-0260.**

---

Chris Cowan  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Robert W. Potts  
Appeals Judge